

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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WILLIAM J. WAGNER,

Plaintiff,

v.

Civil Action No.1:15-cv-633-FPG

CHIARI & ILECKI, LLP,

Defendant.

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**PLAINTIFF'S APPENDIX PURSUANT TO LOCAL RULE 56.1(a)**  
**STATEMENT OF MATERIAL FACTS**

Pursuant to Local Rule 56.1(d), Plaintiff hereby submit the following documents as their appendix to Plaintiffs Local Rule 56.1(a) Statement of Material Facts submitted in support of Plaintiff's Cross-Motion for Summary Judgment.

Affidavit of William J. Wagner dated December 14, 2016.

Declaration of Kenneth R. Hiller dated August 1, 2013.

**Exhibit A-** Redacted copy of Plaintiff's Social Security card

**Exhibit B-** Redacted copy of Plaintiff's Drivers License

**Exhibit C-** Plaintiff's Complaint

**Exhibit D-** Defendant's Answer

**Exhibit E-** August 8, 1984 deed to William J. Wagner and Julia L. Wagner, and August 8, 1984 mortgage listing William L. Wagner and Julia L. Wagner as mortgagors.

**Exhibit F-** March 19, 2015 home equity line of credit mortgage naming William J. Wagner and Julia L. Wagner as mortgagors.

**Exhibit G-** April 23, 2015 deed from William J. Wagner and Julia L. Wagner to William J. Wagner.

**Exhibit H-** Excerpts of the October 5, 2016 deposition of Plaintiff William J. Wagner ("WJW Dep.").

**Exhibit I-** Excerpts of the October 3, 2015 deposition Defendant's corporate representative, William J. Ilecki. ("Ilecki Dep.").

**Exhibit J-** Defendant's Responses to Plaintiff's First Request for Production of Documents.

**Exhibit J-1-** Relevant, redacted documents provided by Defendant in response to Plaintiff's First Request for Production of Documents.

**Exhibit K-** Defendant's Response to Plaintiff's Request for Admissions.

**Exhibit L-** Excerpts of October 3, 2015 deposition of Melissa Overbeck. ("Overbeck Dep.").

**Exhibit M-** February 9, 2015 letter addressed to William J. Wagner, Jr.

**Exhibit N-** Excerpts of October 3, 2015 deposition of Karen Sandford. ("Sandford Dep.").

**Exhibit O-** Post Office receipt, tracking number 0000196605798.

**Exhibit P-** Post Office receipt dated March 19, 2015 (year omitted on receipt).

**Exhibit Q-** Subpoena Duces Tecum with Restraining Notice served on Plaintiff.

**Exhibit R-** Defendant's Response to Plaintiff's Interrogatories.

Dated: January 17, 2017

/s/Kenneth R. Hiller  
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